

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELAINE HALL,

Plaintiff,

Case No. 19-cv-10186

Hon. Matthew F. Leitman

v.

GENERAL MOTORS, LLC,

Defendant.

ORDER GRANTING PLAINTIFF LEAVE TO AMEND HER COMPLAINT

On January 18, 2019, Plaintiff Elaine Hall filed this putative class action against Defendant General Motors, LLC. (*See* Compl., ECF #1.) Hall alleges that her 2016 Chevrolet Impala has one or more defects in its StabiliTrak system. (*See id.*) She brings claims for fraud, unjust enrichment, and violation of numerous California state statutes. (*See id.*)

On March 18, 2019, General Motors moved to dismiss Hall's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot., ECF #13.) In the motion, General Motors argues, among other things, that the Complaint does not plead sufficiently detailed or specific factual allegations and is, therefore, defective for failing to state a plausible claim under the Supreme Court's decisions in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). (*See id.* at Pg. ID 291.)

Without expressing any view regarding the merits of the motion to dismiss, the Court will afford Hall an opportunity to remedy the purported pleading defects identified

in General Motors' motion to dismiss by granting her leave to file a First Amended Complaint. The Court does not anticipate allowing Hall a second opportunity to amend her Complaint to add factual allegations that she could include in her First Amended Complaint. Simply put, this is Hall's opportunity to allege any and all additional facts, known to her, that may cure the alleged pleading deficiencies in her Complaint.

By **April 2, 2019**, Hall shall notify the Court and General Motors in writing whether she will amend her Complaint or respond to the motion to dismiss. If she provides notice that she will be filing a First Amended Complaint, she shall file that amended pleading by no later than **April 16, 2019**, and General Motors shall answer or otherwise respond to it by no later than **May 14, 2019**. Upon the filing of a First Amended Complaint, the Court will terminate General Motors' currently-pending motion to dismiss as moot. If Hall provides notice that she will not be filing a First Amended Complaint, she shall file her response to General Motors' motion to dismiss by no later than **May 2, 2019**. General Motors may thereafter file a reply brief, of no more than ten (10) pages, by no later than **May 23, 2019**.

IT IS SO ORDERED.

Dated: March 18, 2019

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 18, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764